

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, August 7, 2006

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Plante, B. Ryan, G. Zimmer

Members absent: P. Kochenburger

Alternates present: C. Kusmer, V. Stearns

Alternates absent: B. Pociask

Staff present: G. Padick (Director of Planning) C. Hirsch (Zoning Agent)

Chairman Favretti called the meeting to order at 7:59 p.m., appointing Stearns to act due to the absence of Kochenburger.

Minutes:

7/17/06-Stearns MOVED, Holt seconded, to approve the Minutes of 7/17/06. All members in favor, except Hall, Goodwin, Plante, and Ryan who disqualified themselves.

7/19/06 (Field Trip)- Holt noted that the minutes from the field trip did not reflect in Item # 3 that she had disqualified herself. Holt MOVED, Favretti seconded, to approve the Field Trip Minutes of 7/19/06 as corrected. Motion passed with Gardner, Holt, and Favretti in favor, all others disqualified.

Scheduled Business

Zoning Agent's Report

Items A, B, were noted, commission members had no comments.

C. Request for ruling: Non-conforming use at 1728 Stafford Road
Chairman Favretti asked ZEO Curt Hirsch to update the board on the background of this property. Hirsch discussed the history of this property according to the information provided by affidavits from the current and previous property owners.

Attorney Stephen Bacon, representing the current property owner, commented that two affidavits show there has been a non-conforming commercial use (repair garage) at this property location for many years, and he hoped that the Planning and Zoning Commission would make a ruling to confirm that.

With no further discussion, Plante MOVED, Holt seconded, that the Planning and Zoning Commission hereby acknowledges that the commercial repair of automobile, truck and construction equipment has taken place at 1728 Stafford Road, prior to and since the

Town's enactment of Zoning Regulations and whereas the subject property is zoned residentially, this commercial repair activity constitutes a non-conforming use in the Town of Mansfield. MOTION PASSED UNANIMOUSLY.

D. Update on Hall site restoration, trailer removal activities

Hirsch notified the Commission that no new activity has occurred at the Hall property since his last update.

8/7/06 Public Hearings

Re-Subdivision Application, Gifford Estates Resubdivision, 2 new lots on Maple and Spring Hill Roads, Spring Valley LLC., applicant, File #1250
Chairman Favretti opened the Public Hearing at 8:08 p.m., and appointed Stearns to act for Kochenburger. Present were Favretti, Gardner, Goodwin, Hall, Holt, Plante, Ryan, Stearns, Zimmer, and Kusmer. At this time Gregory Padick, Director of Planning, disqualified himself. Curt Hirsch, Zoning Agent, read the Public Notice and referenced a 6/27/06 memo from G. Meitzler, Assistant Town Engineer; a 7/6/06 memo from R. DeVito, Sanitarian from Eastern Highlands Health District; a 7/17/06 memo from F. Raiola, Assistant Fire Marshal; and a 7/26/06 memo from C. Hirsch, Zoning Agent.

Ed Pelletier of Datum Engineering represented the applicant and presented the Commission with receipts from neighborhood notifications.

Holt mentioned that the stone walls on either side of the drive were too close for a common driveway, and suggested that the wall be expanded as required for 2 houses, or keep the wall as is and have one house. She also expressed concern that headlights from any cars traveling down this driveway before the turn would shine directly into the neighbor's home, thus requiring buffer plantings.

Hirsch asked for clarification of how much acreage this property has. Pelletier stated that there was a discrepancy in the plans, and the correct figure is 9.9 acres.

Pelletier expressed to the Commission that he would like to keep the Public Hearing open in order to adequately address the concerns raised in the staff reports and at this meeting. He will have revised plans for the continuation of the Public Hearing on September 5, 2006.

With no further comments, Holt MOVED, Gardner seconded, to continue the Public Hearing until the September 5, 2006 meeting. MOTION PASSED UNANIMOUSLY.

Special Permit Application, River Park, Plains Road, Town of Mansfield o/a, File #1249
Chairman Favretti opened the Public Hearing at 8:18 p.m., and appointed Stearns to act for Kochenburger. Present were Favretti, Gardner, Goodwin, Hall, Holt, Plante, Ryan, Stearns, Zimmer, and Kusmer. Padick read the Public Notice and referenced a 7/16/06

memo from R. DeVito, Sanitarian from Eastern Highlands Health District; a 7/17/06 memo from L. Hultgren, Director of Public Works; a 7/25/06 memo from F. Raiola, Assistant Fire Marshal; an 8/1/06 memo from J. DeWolf, Member of the Mansfield Advisory Committee on Person with Disabilities; an 8/4/06 memo from G. Meitzler, Assistant Town Engineer; and an 8/4/06 memo from G. Padick, Director of Planning.

Kristen Schwab from the UConn Landscape Architect Program, and C. Vincente, Director of Parks and Recreation, were both present to answer any questions the Commission or audience might have about the proposal. Vicente stated that the primary use of the park is for canoeing, rafting, an open field for citizens to play on, bring their dogs, have picnics, and other recreational family activities. Schwab stated that the intended use for the park is not to hold regular games on the field, but to use it as an occasional overflow field for practice. She added that on the occasion that a game does need to be held at the River Park, overflow parking would be available on one side of the road, and possibly posting No Parking Signs on the other side.

Schwab indicated that the plans will be revised, and asphalt will be used in place of stone in response to the memo from Mansfield Advisory Committee on Person with Disabilities. Schwab would like to keep the hearing open in order to address other suggestions made by staff.

Favretti mentioned the need to keep the Public Hearing open, awaiting a response from the State Department of Environmental Protection. He also suggested Schwab look into using different plants that are deer resistant to replace a few of those indicated.

Padick informed the Commission that the plans show a 20-foot wide driveway, and the Regulations say for two-lane traffic the driveway is to be 24 feet wide, unless otherwise approved by the Commission.

Plante asked what the future plans are for the park. The application is for Phase IA & IB only. Phase IA is construction of parking area and the field. Phase IB is the construction of the boat ramp. Phase II is shown on the submitted plans, but it is intended for a future part of the project and is subject to grant monies being available.

Suggestion was made by members to look into having a portable toilet facility at the park to accommodate citizens. Vincente indicated that they were not proposing to install such facilities at this park because it is not being used as a primary location for Town sporting events. He compared it to other “passive parks” owned by the Town that do not have regularly scheduled sporting events, and do not necessitate toilet facilities.

It was also suggested that the area should be posted “No Swimming” or “No lifeguard on duty” to deter citizens from swimming, and to reduce liability. Vincente noted that it would not be advertised as a swimming facility.

Zimmer MOVED, Hall seconded, to keep the Public Hearing open until September 5, 2006. MOTION PASSED UNANIMOUSLY.

Special Permit Application, proposed efficiency unit at 238 Maple Road, P. Peters, File # 1248

Chairman Favretti opened the Public Hearing at 8:37 p.m., and appointed Stearns to act for Kochenburger. Present were Favretti, Gardner, Goodwin, Hall, Holt, Plante, Ryan, Stearns, Zimmer, and Kusmer. Padick read the Public Notice and referenced a 7/12/06 memo from R. DeVito, Sanitarian from Eastern Highlands Health District; an 8/2/06 letter from G. Fait, subject property neighbor; and an 8/4/06 memo from G. Padick, Director of Planning.

No one representing the applicant was present, and no return receipts have been submitted.

Padick noted that the Public Hearing cannot be closed until confirmation of neighborhood notification is verified.

Holt MOVED, Plante seconded, to keep the Public Hearing open until September 5, 2006.

Other Old Business

Consideration of Action on Public Hearing Items listed above
Item tabled due to continuation of Public Hearings.

Bonding Issues:

A. Mulwood East, File #1225

Item tabled.

B. Maintenance Bond, Maplewoods, Section 2, Max Felix Drive

Item tabled.

C. Fencing/Landscaping Bone Mill Subdivision, File #1219

Padick reported that there seems to be a basis for getting the work resolved, and that he will keep the Commission updated on this subject. Item tabled.

3. Review of Potential Presentation by the Green Valley Institute on Open Space Subdivisions

The Commission discussed, and agreed that they would like staff to arrange for the presentation to be held on the second Monday of October or November.

4. 6/2/06 Letter from J. Spears RE: Storage areas-Colonial Townhouse Apartments, Foster Drive

Padick summarized the response he wrote to J. Spears, and stated that a modification approval was not necessary because the issue is between the property owners and tenants.

5. PZC proposed revisions to the Zoning Regulations File #907-28

After brief discussion, Gardner MOVED, Ryan seconded, to approve, effective August 31, 2006, the attached PZC-proposed revisions to Articles III, VII and X of the Zoning Regulations. The revisions were presented as a 6/14/06 draft at a Public Hearing held on July 17, 2006. The approved revisions extend until 2/5/07 an existing moratorium on new applications to create a Design Multiple Residence, Planned Residence or Age-Restricted Housing zone on land currently zoned Professional Office-3 or Industrial Park, located in southern Mansfield, south of Pleasant Valley Road; incorporate specific signage requirements for home occupations and delete an inappropriate definition reference for home occupation; specify that grand opening events must be conducted within 6 months of a business opening; delete specific wording references for accessible parking space signage; and expand a listing of animals that are not permitted as accessory in the R-20 and R-90 zones.

These revisions are adopted pursuant to the provisions and authority contained in the CT General Statutes, including Section 8-2, which grant the PZC the following:

- the authority to regulate the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- the mandate to promote health, public safety and the general welfare, to prevent the overcrowding of land;
- the mandate to give reasonable consideration as to the character of a zoning district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

The attached revisions to the Zoning Regulations are adopted for the following reasons:

1. To regulate land uses in a manner best suited to carry out the purposes of Title 8, Chapters 124 and 126 of the CT General Statutes; to promote the goals and objectives of Mansfield's Plan of Conservation and Development and Article I of the Zoning Regulations, and to promote the health, safety, convenience and welfare of the public. The Statement of Purpose in the new Article III, Section A.1 provides additional rationale for the adoption of the moratorium extension.
2. To encourage the most appropriate use of land, to protect and enhance the value of properties and to protect and enhance natural and manmade features and scenic resources in a potential multi-family housing zone in southern Mansfield;
3. To provide the Commission with the time necessary to study and begin implementing recently adopted goals, policies, and recommendations contained in Mansfield's 2006 Plan of Conservation and Development, and consider adoption of potential amendments to the Zoning Map and Zoning Regulations pursuant to Sections 8-2 and 8-25 of the Connecticut General Statutes.
4. The proposed term for the moratorium extension is considered reasonable in light of the objectives cited in #3 above and the importance of the subject area (see 7/7/06 memo from the Director of Planning)
5. During the forthcoming six (6)-month period, the Planning and Zoning Commission anticipates that a significant amount of time will be needed to review and act upon

various elements of the planned Storrs Downtown project, which will not be affected by the extended moratorium. Mansfield's Downtown Partnership, Inc. has completed work on a Municipal Development Plan (MDP) for a new Storrs Center Downtown development. Based on MDP information, this project may include over 170,000 square feet of retail and restaurant space, 80,000 square feet of office space and 800 units of housing. Next steps will include the submission of a zone change application to create a new Special Design District and new zoning regulations to address permitted uses, application submission and application approval processes. These applications are expected to be submitted during the fall of 2006. The review and processing of these applications may significantly affect the ability of the Commission and its staff to begin work on implementing new Plan goals, objectives and recommendations.

6. The revisions are considered acceptably worded and suitably coordinated with related zoning and subdivision provisions. The proposed wording has been found legally acceptable by the Town Attorney.

7. The revisions to Articles VII and X are designed to clarify existing provisions and enhance enforcement.

MOTION PASSED UNANIMOUSLY, with Hall and Goodwin disqualified.

6. Eastern CT. State University Parking Garage/Softball field relocation project Padick referred to his 8/4/06 memo, and a brief discussion was held. Padick noted that this relocation will require a DEP Wetlands Permit, which will give Mansfield IWA the chance to review it. It was the consensus of the Commission that no written comments were necessary.

7. Potential Revisions to PZC/IWA Fee schedule
Item tabled

8. CCM information packet RE: Request for information on Political Signs
After a brief discussion, Padick noted to the Commission that no lawsuits have been filed as of yet in Connecticut regarding Political Signs.

New Business

Proposed tree removal at 21 Summit Road File #1010-2

After brief discussion, Holt MOVED, Hall seconded, that the Planning and Zoning Commission schedule a Public Hearing for Tuesday, September 5, 2006 for the proposed tree removal at 21 Summit Road and that staff refer the subject request to the Tree Warden/Public Works Director, the Town Council and property owners on Summit Road who have frontage within 500 feet of the subject tree. MOTION PASSED UNANIMOUSLY.

New Special Permit Application, Proposed E.O. Smith High School classrooms at 85 Depot Road, Regional School District #19 applicant, File #1251

After brief discussion, Holt MOVED, Gardner seconded, to receive the Special Permit application (File #1251) submitted by Regional School District #19 for an alternative high school education facility, on property located at 85 Depot Road, owned by the Town

of Mansfield, as shown on plans dated August 1, 2006, and as described in other application submissions, and to refer said application to the staff, Design Review Panel, and the Committee on the Needs of Persons with Disabilities for review and comments, and to set a Public Hearing for September 18, 2006. MOTION PASSED UNANIMOUSLY.

Reconsideration of Condition #8 of the Hall Gravel Removal renewal as approved on 7/17/06. File #910-2

After brief discussion, Holt MOVED, Stearns seconded, to amend Condition #8 of the Edward Hall Sand and Gravel Permit previously adopted at the PZC's regular meeting on July 17, 2006. The 3rd sentence of Condition #8 of the original approval motion shall be deleted in its entirety, as it is no longer applicable and has already been addressed.

Therefore, the 3rd sentence of Condition #8 shall be deleted and a letter to Mr. Hall and his attorney and his engineer shall be sent stating said deletion.

All the rest of Condition #8 and all other conditions of the July 17 permit approval shall remain in place.

The MOTION PASSED UNANIMOUSLY, with Plante and Goodwin disqualified.

Addition to the Agenda

At this time Favretti MOVED, Plante seconded, to add to the agenda under Item #4 New Business, The Mount Hope Subdivision. MOTION PASSED UNANIMOUSLY.

Mount Hope Subdivision

After brief discussion, Holt MOVED, Hall seconded, that the Planning and Zoning Commission hereby approves the Development Area Envelopes for the Mount Hope Farm Subdivision as depicted on sheet 1 of 3 of a subdivision plan dated 7/5/06 as revised 7/31/06, as prepared by Datum Engineering and Surveying. This action satisfies the need for DAE approval cited in condition #4 of the PZC's 7/5/06 approval motion. MOTION PASSED UNANIMOUSLY.

Reports of Officers and Committees

There was no report from the PZC Chairman or Regional Planning Commission Representatives and note was made that the next meeting for the Regulatory Review Committee is scheduled for Wednesday, September 6, 2006 at 2:00 p.m., Gardner noted that she will be unable to attend.

Communications and Bills

- The agenda items were noted, and a brief discussion was held.
- Padick brought to the attention of the Commission Item #3, and noted that PZC comments would be helpful to Lon Hultgren, Director of Public Works.

- Padick briefly discussed Item #4, and mentioned that the Town Council has set a date to visit the potential acquisition site, and noted that if the Town intends to pursue the purchase of this land, the Town Council will refer it to the PZC for a report.

Adjournment

Favretti reminded the Commission that a Field Trip date was set during the IWA meeting for Wednesday, August 23, 2006 at 1p.m. Noting there was no additional business, Favretti declared the meeting adjourned at 9:19 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary